

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LANCE IAN OSBAND,

Petitioner,

vs.

JOHN STOKES,
Acting Warden of San Quentin
State Prison,

Respondent.

No. CIV S-97-0152 WBS KJM

DEATH PENALTY CASE

ORDER

This order reflects the next, and hopefully nearly the last, stage of the ongoing saga of the missing portion of the evidentiary hearing transcript for May 2, 2007. The court has been successful in recovering data from the hard drive of the court reporter's machine used during the May 2 hearing. Because the information is coded, it is not yet clear that the recovered material includes all information from the May 2 hearing. A copy of the disc containing the data will be provided to the court reporter for transcription.

Accordingly, IT IS HEREBY ORDERED as follows:

1. Courthouse court reporter Kelly O'Halloran is directed to copy the disc labeled "Drive Savers Data Recovery" with reference number 251466. Ms. O'Halloran shall immediately thereafter forward the copy to court reporter Pat Hernandez for transcription. Ms. O'Halloran shall record the

1 date of mailing or delivery of the disk. Ms. O'Halloran shall keep the
2 original hard drive and the original disc from Drive Savers. Ms.
3 O'Halloran shall also continue to keep the paper notes from the May 2
4 hearing.

5 2. Within fourteen days of receipt of the disc, Ms. Hernandez is directed to
6 file a transcript of the May 2, 2007 evidentiary hearing in this matter. If
7 the disc does not contain all information necessary, Ms. Hernandez shall
8 contact Ms. O'Halloran immediately, and in any event, no later than ten
9 days after receipt of the disc.

10 3. In addition to normal service of this order upon counsel for petitioner and
11 respondent, the Clerk of the Court is directed to serve it upon Patricia A.
12 Hernandez, Diamond Court Reporters, 1107 2nd Street, # 210,
13 Sacramento, CA 95814 by U.S. Mail and by fax at (916) 442-2783.

14 DATED: November 7, 2007.

15
16 
17 U.S. MAGISTRATE JUDGE
18
19
20
21
22
23
24
25